



# OFFICE OF INSPECTOR GENERAL

## STATE OF INDIANA ETHICS NEWSLETTER

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## Political activity

*As Election Day approaches and public office races heat up, we thought a reminder about the political activity and related rules would be helpful. Below are a few important points to keep in mind when considering political activity issues.*

### For More Information

[IG Home](#)

[Code of Ethics](#)

[Advice](#)

[Investigative Hotline](#)

### Upcoming SEC Meetings

- November 19<sup>th</sup>
- January 14<sup>th</sup>

### Recent Opinions

- [15-I-15](#) Post-employment, COI
- [15-I-12](#) Post-employment, COI
- [15-I-11](#) Conflict of Interests

### Recent IG Reports

- [Welfare Fraud](#)
- [Legislative Recommendations 1-5](#)
- [Contractor Fraud - Addendum](#)
- [IAACCRR Theft – Addendums 1-2](#)

**Political activity rule (42 IAC 1-5-4)** - The political activity rule prohibits state employees and special state appointees from engaging in political activity, including the solicitation of political contributions from anyone, when on duty or while acting in an official capacity for the State. This rule also prohibits state employees and special state appointees from soliciting political contributions at any time, whether on duty or not, from persons with whom their agency has a business relationship or from state employees or special state appointees they directly supervise. If a state employee or special state appointee has purchasing or procurement authority on behalf of the State, he or she would be restricted from soliciting political contributions on behalf of any candidate for public office unless the employee or special state appointee is a candidate for public office himself or herself.

**Other rules in the Code of Ethics are often implicated by political activity questions** - Questions on acceptable political activity also often implicate Outside Employment (42 IAC 1-5-5), Use of State Property (42 IAC 1-5-12) and Ghost Employment (42 IAC 1-5-13) considerations as well.

### Common questions you may receive related to political activity:

**Can I run for office?** There is no ethics rule that prohibits a state employee or special state appointee from seeking or holding public office while employed by the State. Some state workers, however, are also subject to the jurisdiction of the Federal [Hatch Act](#) which places various restrictions on political activity. In addition, potential candidates should also be advised to consult the Office of the Indiana Attorney General's [Dual Office Holding Guide](#) to ensure they would not violate the law against dual office holding.

**Can I vote?** Yes.

## Political activity (continued)

**Can I work the polls on Election Day?** Yes, because it is a state holiday, working the polls would not be done on state time or using state materials.

**Can I attend a political rally in support of a candidate?** Yes, so long as you are not doing so on state time or acting in your official capacity.

**Can I solicit campaign contributions for a candidate I support?**

You may solicit campaign contributions on your own time. However, you may never solicit campaign contributions from those you supervise or those you know have a business relationship with your agency. You may not do so if you have purchasing authority for the State.

**Can I participate in a political protest or other event during business hours?** No, this could be a violation of the ghost employment rule.

**Can I make a donation to a political candidate or cause I support?** Yes, so long as you do so on your own time and without the use of state property.

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**Save the Date:** The annual Legal & Ethics Conference will be held on December 17<sup>th</sup>

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## Legal & Ethics Conference

The annual Legal & Ethics Conference will be held on December 17<sup>th</sup> at the Indiana Convention Center. At least 5.5 hours of CLE credit are expected. Registration will open soon; please visit the OIG [website](#) for further information in the coming weeks.

## Ethics Training

Most agencies are in the process of completing or have already completed the mandatory 2015 Ethics training. After completing the training, many individuals have questions regarding application of the ethics rules to their particular circumstances. Advice is always available through our office and a confidential, informal opinion can usually be delivered in writing within 1-3 days of receiving the request. Formal opinions can also be requested from the State Ethics Commission for a final, public determination at one of their monthly meetings. Please go to our [website](#) and click the "Advice" button to submit a request if you have questions about the ethics rules.